

Message

From: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Sent: 4/10/2018 7:34:12 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Wise, Louise [Wise.Louise@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]
Subject: Press inquiry: Reporter asking for copy of our response to dicamba litigation
Attachments: ENV_DEFENSE-#839982-v1-Dicamba_Final_Brief_Redacted.pdf

Last week we answered questions from a reporter from the Midwest Center for Investigative Reporting on dicamba. Now he's asking for a copy of the response we filed with the court yesterday on the dicamba litigation.

Deliberative Process / Ex. 5

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From: Daguillard, Robert
Sent: Tuesday, April 10, 2018 7:52 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: RE: Response to Dicamba Press Inquiry

Good morning team,

The reporter is asking whether we can share our response to the lawsuit, based on our response to Q1 below.

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
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From: Strauss, Linda
Sent: Wednesday, April 04, 2018 9:01 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Sisco, Debby <Sisco.Debby@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: Response to Dicamba Press Inquiry

Here you go, Robert. Thanks, OPP!

Incoming: Midwest Center for Investigative Reporting
Johnathan Hettinger 3/26
Reporter asking for comment on litigation.

I wanted to reach out to ask a couple questions about the lawsuit filed by the National Family Farm Coalition, et al, against the EPA (Case No. 17-70196 in the Ninth Circuit Court of Appeals). I specifically wrote about documents from the lawsuit and how the EPA went about the process of changing the dicamba label.

Responses:

Question 1: Do you have any response to the lawsuit?

Response 1: EPA's response to the litigation will be filed with the court on April 9, 2018. That filing will provide the Agency's position in this litigation.

Question 2: Why did the EPA choose not to incorporate any new data or analysis into its label change to dicamba? If that's not the case, then what new info was incorporated?

Response 2: No new scientific studies were submitted for EPA review. EPA's analysis relied on information gathered from sources such as state lead agencies, extension service experts, university scientists, and registrants to better understand possible causes of unexpected off-site movement.

Question 3: What is the usual process for incorporating state officials' advice, like during the meetings held in August?

Response 3: EPA takes the advice from state officials and others into consideration when making regulatory decisions. To obtain input from states, EPA typically relies on the strong relationships between state lead agencies and regional staff. EPA seeks input from the State FIFRA Issues Research and Evaluation Group (SFIREG) on national issues. In this case, EPA's Office of Pesticide Programs also hosted conference calls to directly gather more information from representatives from state agricultural boards and cooperative extensions.

Question 4: How does the EPA usually decide terms and conditions on a label change with the registrant?

Response 4: See <https://www.epa.gov/pesticide-registration/about-pesticide-registration>.

Question 5: Does the EPA expect the label's changes will be effective?

Response 5: EPA reached agreement with the registrants to further minimize the potential for off-site movement to neighboring crops from the use of dicamba formulations used to control weeds in genetically modified cotton and soybeans. See : <https://www.epa.gov/newsreleases/epa-and-states-collective-efforts-lead-regulatory-action-dicamba>). EPA will monitor the success of these changes to help inform our decision whether to allow the continued "over the top" use of dicamba beyond the 2018 growing season. When EPA registered these products, it set the registrations to expire in 2 years to allow EPA to change the registration, if necessary.